

January 22, 2009

OSHA Docket Office  
Docket ID OSHA-2007-0066  
OSHA  
Department of Labor  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210

Submitted electronically to:  
<http://www.regulations.gov>

**Regarding: Occupational Safety and Health Administration  
Safety Standards for Cranes and Derricks in Construction  
Proposed Rule  
OSHA-2007-0066**

To whom it may concern

I am writing on behalf of the American Public Power Association (APPA) in response to the Proposed Rule: Safety Standards for Cranes and Derricks in Construction, 29 CFR 1926.

APPA is the service organization for the nation's more than 2,000 community-owned electric utilities that serve more than 45 million Americans or about 14 percent of the nation's electricity consumers. Public power utilities are operated by local governments to provide communities with reliable, responsive, not-for-profit electric service.

Public power utilities are directly accountable to the people they serve through local elected or appointed officials. Some of the nation's largest cities – Los Angeles, San Antonio, Seattle and Orlando – operate publicly owned electric utilities, but many public power communities are small with their utilities serving 3,000 or fewer customers.

## **I. THE FINAL RULE SHOULD EXCLUDE ELECTRIC UTILITY WORK.**

A set of rules that attempts to exclude certain types of electric utility work performed with and on certain types of equipment will lead to confusion, additional costs, and a variety of safety issues.

In the electric utility industry, overhead, underground and substation work are performed simultaneously and interchangeably in many situations, and any attempt to differentiate certain types of work will lead to confusion and in many cases actually lessen the overall safety conditions.

It is APPA's understanding that the C-DAC's focus – or one of the areas of focus - was to review work near and around overhead energized lines since it clearly is an area where there is a high degree of safety risk. The intent was not to review the electric industry work itself, but rather review the Cranes and Derricks in Construction Rule to ensure that non-utility work is provided additional direction, ensuring that safe work practices are adhered to when work is performed in the vicinity of overhead energized conductors.

APPA points to the Proposed Rule exclusion of all 'Tree trimming and tree removal' work as an excellent example of how the C-DAC and OSHA have accurately identified a type of work that should be granted full exemption from this Cranes and Derricks in Construction Rule. (1926.1400 (c)(13)) The majority of electric utility work falls within the maintenance of existing utility lines (Overhead and underground work already covered under OSHA 29 CFR 1910.269), and similar to the tree removal industry – a valid argument can be made that the vast majority of the electric utility work “does not take place in construction.”

APPA urges that the exemption under 1926.1400 (c)(4) be modified as follows:

**Service trucks and mobile lifting devices designed specifically for use in the power line and electric service industries, such as digger derricks (radial boom derricks), when used in the power line and electric service industries.**

This minor modification and exclusion of utility work will avoid any confusion as to what is or is not covered, what truck is required for overhead vs. underground work, etc. Electric utilities are quite aware of and trained on the dangers of working near and around energized facilities, and more confusion in the way of difficult to understand exemptions is not the solution. It is far simpler and ultimately safer to the trained utility worker to exclude utility work altogether from the Final Rule.

## **II. UTILITY OWNERS MUST BE GIVEN TWO FULL WORKING DAYS TO RESPOND TO VOLTAGE REQUESTS**

In Paragraph 1407(e), OSHA solicits comments on whether the phrase ‘working days’ should be defined differently. APPA agrees with the definition as written in the Proposed Rule, and also agrees that an electric utility must be given a minimum of two full working days to respond to the request to ensure accuracy of voltage information.

APPA supports the comments submitted by the National Rural Electric Cooperative Association (NRECA) with respect to this Proposed Rule, in addition to the December 18<sup>th</sup>, 2008 letter from the Western Line Constructors. (OSHA-2007-0066-0139.1)

Sincerely,

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